

MESSAGE NO: 5313304 MESSAGE DATE: 11/09/2015

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE: OUTSCO-Out of Scope

FR CITE: 80 FR 55593 FR CITE DATE: 09/16/2015

REFERENCE MESSAGE # 3105302, 3150301
(s):

CASE #(s): A-570-967

EFFECTIVE DATE: 09/08/2015 COURT CASE #: 13-00161

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Amended scope determination on antidumping duty order on aluminum extrusions from the People's Republic of China (A-570-967).

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 6 below.

1. On 03/20/2013, in response to a request by Asia Sourcing Corporation, Commerce issued a final scope determination that three models of dock ladder kits, ASE, ASH, and DJX3-W, which Asia Sourcing Corporation imports, are within the scope of the antidumping duty order on aluminum extrusions from the People's Republic of China (PRC). See message 3105302, dated 04/15/2013.

2. On 6/30/2015, the U.S. Court of International Trade (CIT) issued a remand order in *Asia Sourcing Corp. v. United States*, No. 13-00161 (CIT June 30, 2015). On 8/20/2015 Commerce issued its final results of redetermination, finding that dock ladder kits ASE, ASH, and DJX-3 imported by Asia Sourcing Corporation are outside of the scope of the antidumping duty order on aluminum extrusions from the PRC. Specifically, Commerce determined that Asia Sourcing Corporation's dock ladder kits ASE, ASH, and DJX-3 are outside the scope of the order because all three models included non-aluminum extrusion components other than fasteners (i.e., plastic coated cables on one model and plastic ends caps included in all three models). In addition, because all three models contained all the parts necessary to fully assemble a finished good, they qualified for the finished goods kit exclusion. Therefore, Asia Sourcing Corporation's dock ladder kits ASE, ASH, and DJX-3 are not within the scope of the antidumping duty order on aluminum extrusions from the PRC.

3. On 08/27/2015, the CIT issued a final decision in *Asia Sourcing Corp. v. United States* sustaining Commerce's remand redetermination. Therefore, on 09/16/2015, Commerce published in the Federal Register, with an effective date of 09/08/2015, the "Notice of Court Decision Not in Harmony With Final Scope Ruling and Notice of Amended Final Scope Ruling Pursuant to Court Decision" (80 FR 55593). As a result of this decision, the injunction to which message 3150301 (dated 05/30/2013) refers, enjoining liquidation of entries of dock ladder kits ASE, ASH, and DJX3-W imported by Asia Sourcing Corporation, which were entered, or withdrawn from warehouse, for

consumption by Asia Sourcing Corporation on or after 09/07/2010, dissolved on 10/26/2015.

4. For all unliquidated entries of dock ladder kits ASE, ASH, and DJX-3 imported by Asia Sourcing Corporation that entered, or were withdrawn from warehouse, for consumption on or after 09/07/2010, CBP shall terminate suspension and liquidate these entries without regard to antidumping duties.
5. Refund any cash deposits relating to Asia Sourcing Corporation's imports of dock ladder kits ASE, ASH, and DJX-3 described above.
6. These instructions constitute notice of the lifting of suspension of liquidation of entries of dock ladder kits ASE, ASH, and DJX-3 imported by Asia Sourcing Corporation entered, or withdrawn from warehouse, for consumption on or after 09/07/2010.
7. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated antidumping duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping duties before the date of publication of the antidumping duty order. Interest shall be calculated from the date payment of estimated antidumping duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.
8. Unless instructed otherwise, for all other shipments of aluminum extrusions from the PRC not covered by paragraph 4 above, you shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current rates.
9. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by OIII:JT).
10. There are no restrictions on the release of this information.

Sherri L. Hoffman

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party